

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
AUGUST 2, 2016**

**CALL TO ORDER**  
**6:01 pm**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B, 1035 1<sup>st</sup> Ave W, Kalispell, Montana. Board members present were Cal Dyck, Ole Netteberg and Roger Noble. Mark Hash and Gina Klempel had an excused absence. Donna Valade, Mark Mussman, and Kari Nielsen represented the Flathead County Planning & Zoning Office.

There were 20 people in the audience.

**APPROVAL OF  
MINUTES**  
**6:01 pm**

Netteberg motioned and Noble seconded to approve the July 5, 2016 minutes as provided in the meeting packet.

The motion passed by quorum.

**PUBLIC  
COMMENT**  
***(Public matters  
that are within  
the jurisdiction  
of the Board 2-  
3-103 M.C.A)***  
**6:02 pm**

None

Dyck gave all applicants the opportunity to move their hearing to the next Board meeting as only three (3) Board members were present.

FCU-16-12 Den Gar Properties LLC opted to wait until September 6, 2016.

There was some discussion with the public as to when their comments on this application would be heard.

Valade explained that public comment would be accepted until 5:00 pm on September 6, 2016 or comments could be made at the hearing on September 6, 2016.

**FLATHEAD  
COUNTY ROAD  
& BRIDGE**  
**(FPAE-16-02)**  
**6:12 pm**

A request by the Flathead County Road & Bridge Department to construct a 40 foot x60 foot metal sided shop with a ridge pole height of approximately 24 feet on a parcel located at 203 West Valley Drive and containing approximately 39.8 acres. The Director of the Flathead County Road & Bridge Department gave notice to the Board of Adjustment of Flathead County that it intends to construct a building that will be used for storage of equipment and associated tools/materials and may be contrary to zoning regulations adopted by Flathead County as the property is zoned R-1, (Suburban Residential). Pursuant to 76-2-402, MCA the board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

**STAFF MEMO**  
**6:13 PM**

Mussman reviewed the memo for FPAE-16-02 for the Board.

**PUBLIC**  
**COMMENT**  
**6:13 PM**

None

**DEN GAR**  
**PROPERTIES,**  
**LLC**  
**(FCU-16-12)**

A request from Eric Mulcahy of Sands Surveying, Inc., on behalf of Den Gar Properties, LLC, for a conditional use permit to build a 4500 square foot Tavern/Casino on property located within the Blanchard Lake Zoning District and zoned B-2 (*General Business*). The subject property is located at 1985 Hodgson Road near Whitefish and contains approximately 3.8 acres. The parcel can legally be described as Tract 2FB in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

**Tabled by applicant until September 6, 2016.**

**STEVEN AND**  
**JULIE KRUGER**  
**(FCU-16-13)**  
**6:14 pm**

A request from Steven & Julie Kruger, for a conditional use permit to establish a 'Bed and Breakfast Establishment' on property located within the Rural Whitefish Zoning District and zoned R-1 (*Suburban Residential*). The subject property is located at 2620 Big Mountain Road, northwest of Whitefish, MT and contains approximately 2.1 acres. The parcel can legally be described as Tract 4C in Section 11, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

**STAFF REPORT**  
**6:14 pm**

Nielsen reviewed Staff Report FCU-16-13 for the Board.

**BOARD**  
**QUESTIONS**  
**6:16 pm**

None

**APPLICANT**  
**PRESENTATION**  
**6:16 pm**

None

**PUBLIC  
COMMENT  
6:16 pm**

Robert Smith-60 Smith Drive- stated he had two concerns. One was the parking. Smith stated he thought the parking would extend into the 30 foot easement. The second concern was access off of Big Mountain Road. He stated there was an alternative road that goes down the property which would allow Kruger and his guest to park behind his house.

Dyck asked if anyone knew where the property line was with regard to the driveway.

Nielsen said no.

Netteberg asked where the other easement road was that went to the bottom of the house.

Smith explained where that easement was.

Dyck asked if it was a gravel road.

Smith said yes.

Dyck asked if that road accessed onto Big Mountain Road.

Smith said yes.

Noble asked if Kruger had access to the lower road

Smith said yes.

The Board discussed both easements at length.

**BOARD  
DISCUSSION  
6:39 pm**

Noble stated the application clearly stated that there was an existing four (4) bedroom home and the septic permit is for a three (3) bedroom home. He stated that the applicant is currently in violation on the septic.

The Board discussed the option of either tabling the application or moving forward with it and adding conditions on the septic and the parking.

**MAIN MOTION  
TO TABLE TO A  
DATE CERTAIN  
(FCU-16-13)  
6:47 pm**

Dyck made a motion seconded Netteberg to table the application to a date certain of September 6, 2016.

**ROLL CALL TO  
ADOPT F.O.F.  
(FCU-16-13)  
6:50 pm**


On a roll call vote the motion passed 2-1 with Noble dissenting.

**OLD BUSINESS  
6:52 pm**

None

**NEW BUSINESS**      None  
**6:52 pm**

**ADJOURNMENT**      The meeting was adjourned at approximately 6:54 pm on a motion by Noble.  
**6:54 pm**      The next meeting will be held at 6:00 pm on September 6, 2016.

  
\_\_\_\_\_  
Mark Hash, Chairman

  
\_\_\_\_\_  
Danene Thornton, Recording Secretary

*APPROVED AS SUBMITTED/CORRECTED: 9/06/16*